

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

STANDING ROCK SIOUX TRIBE, YANKTON
SIOUX TRIBE; ROBERT FLYING HAWK;
OGLALA SIOUX TRIBE,

Plaintiffs,

and

CHEYENNE RIVER SIOUX TRIBE; SARA
JUMPING EAGLE ET AL.,

Plaintiff-Intervenors,

v.

U.S. ARMY CORPS OF ENGINEERS,

Defendant-Cross Defendant,

and

DAKOTA ACCESS, LLC,

Defendant-Intervenor-Cross
Claimant.

Case No. 1:16-cv-1534-JEB
(and Consolidated Case Nos. 16-cv-
1796 and 17-cv-267)

**INTERVENOR DEFENDANT DAKOTA ACCESS, LLC'S
MOTION TO EXTEND STAY OF RESOLUTION OF MOTION TO COMPEL
PROMPT COMPLETION OF ADMINISTRATIVE RECORD**

In accordance with the Court's February 15, 2019 Minute Order, Intervenor Defendant Dakota Access, LLC ("Dakota Access") respectfully moves the Court to extend the stay of resolution of Dakota Access's Motion to Compel Prompt Completion of the Administrative Record ("Motion to Compel"), D.E. 216, while Dakota Access continues to pursue the outstanding records through other means. The Minute Order requires Dakota Access to inform the Court on or before March 14, 2019 "whether it will withdraw the Motion, seek a further stay of the Motion, or ask for the Court to resolve it." Dakota Access continues to pursue many of the relevant records through

a Freedom of Information Act (“FOIA”) request to the Department of Justice, Department of the Army, Department of Interior, and Council for Environmental Quality. However, Dakota Access’s FOIA request to each is still in process.¹ Accordingly, Dakota Access respectfully requests that the Court further stay consideration of its Motion to Compel to allow time for processing Dakota Access’s FOIA request.

CONCLUSION

For the foregoing reasons, Dakota Access respectfully requests that the Court grant its motion to extend the stay of resolution of its Motion to Compel.

Dated: March 14, 2019

Respectfully submitted,

/s/ William S. Scherman
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Counsel for Dakota Access, LLC

¹ As noted previously, a response received from the Department of the Army in January 2019 was wholly deficient. Dakota Access therefore continues to seek an appropriate response from the Department of the Army.

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of March, 2019, I electronically filed the foregoing document using the CM/ECF system. Service was accomplished by the CM/ECF system.

/s/ William S. Scherman

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DAKOTA ACCESS, LLC,

Intervenor Defendant.

Case No. 1:16-cv-01534-JEB
[Consolidated with Case
Nos. 1:16-cv-1796 and 1:17-cv-267]

**[PROPOSED] ORDER GRANTING INTERVENOR DEFENDANT
DAKOTA ACCESS, LLC'S MOTION TO EXTEND STAY OF RESOLUTION OF
MOTION TO COMPEL PROMPT COMPLETION OF ADMINISTRATIVE RECORD**

The Court orders that Intervenor Defendant Dakota Access, LLC's Motion to Extend Stay of Resolution of its Motion to Compel Prompt Completion of the Administrative Record ("Motion") is GRANTED.

Dakota Access, LLC shall update the Court by April 15, 2019 whether it will withdraw the Motion, seek a further stay of the Motion, or ask for the Court to resolve it.

SO ORDERED this __ day of ____, 2019.

The Honorable James E. Boasberg
United States District Judge